

**COMMONWEALTH OF KENTUCKY
EXECUTIVE BRANCH ETHICS COMMISSION
CASE 10-003**

**IN RE: JOBY L. GOSSETT
ALLEGED VIOLATION OF KRS CHAPTER 11A**

**INITIATING ORDER
Initiation of Administrative Proceeding
And Formal Complaint**

The Executive Branch Ethics Commission (the "Commission"), upon its own motion, initiated a preliminary investigation of Joby L. Gossett (the "Respondent"), pursuant to KRS 11A.080(1), on May 21, 2009. It expanded this investigation on January 29, 2010.

At all relevant times the Respondent was a "public servant" as defined in KRS 11A.010(9), and thus subject to the jurisdiction of the Commission.

The Commission initiated the preliminary investigation to determine whether there was probable cause to believe the Respondent violated provisions of KRS Chapter 11A (also referred to herein as the "Ethics Code").

The Commission notified the Respondent of the preliminary investigation by letters dated May 22, 2009, and January 29, 2010. During the course of the investigation, the Commission found probable cause to believe that violations of KRS Chapter 11A had occurred and voted on March 19, 2010 to initiate an administrative proceeding, pursuant to KRS 11A.080(4)(b) and KRS Chapter 13B, to determine whether the Respondent violated the Ethics Code as set forth in the Allegations of Violations, attached hereto and incorporated fully herein as Appendix A to this Initiating Order.

IT IS THEREFORE ORDERED that:

1. The Respondent shall file his answer to this Initiating Order within twenty (20) days from the date of service, verifying the truth and accuracy of any answer submitted.

2. The Respondent shall appear at a hearing to be scheduled by subsequent order and be prepared to defend against the Commission's allegations that he committed the Ethics Code violations set forth in the Allegation of Violations, attached hereto and incorporated fully herein as Appendix A to this Initiating Order.

3. All material submitted to the Commission shall be addressed to the Executive Branch Ethics Commission, #3 Fountain Place, Frankfort, Kentucky 40601. The Commission is represented by Dana Cox Nickles, General Counsel, and John Steffen, Executive Director. They may be contacted through the Commission's office at (502) 564-7954.

4. The Respondent has the right to legal counsel during this proceeding. If the Respondent retains legal counsel, that person shall file an appearance with the Commission, and thereafter all correspondence from the Commission to the Respondent shall be mailed or delivered to the Respondent's attorney.

5. The Respondent has the right to examine upon request, at least five (5) days prior to the hearing, a list of witnesses the Commission expects to call at the hearing, any evidence which will be used at the hearing and any exculpatory information in the Commission's possession.

6. The Respondent has the right to subpoena witnesses on his own behalf. If the Respondent subpoenas witnesses, he shall pay for all costs associated with the subpoenas' issuance, including any applicable witness fees.

7. If the Respondent fails to attend or participate as required at any stage of the administrative hearing process without good cause shown, he may be held in default pursuant to KRS 13B.050(3)(h).

8. The Respondent has a right to appeal any final Commission order to the Franklin Circuit Court within thirty (30) days of service.

9. This proceeding is subject to KRS Chapter 11A, the Commission's regulations, the provisions of KRS Chapter 13B, and any Order issued by the Commission or its hearing officer issued during this administrative proceeding.

So ordered this 19th day of March, 2010.

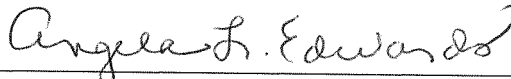
EXECUTIVE BRANCH ETHICS COMMISSION:



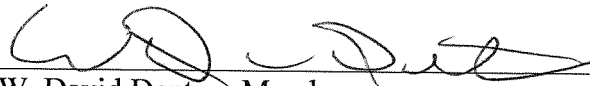
Gwen R. Pinson, Chair



Ronald Green, Vice-Chair



Angela Edwards, Member



W. David Denton, Member

Vacant, Member

**APPENDIX A
CASE NO. 10-003
INITIATING ORDER**

ALLEGATION OF VIOLATIONS

The Respondent, Joby L. Gossett, was at all times relevant an employee of the Commonwealth of Kentucky, serving as a conservation officer with the Department of Fish and Wildlife Resources. The Respondent was subject to the jurisdiction of the Commission at all relevant times. KRS 11A.010(9)(h).

During the course of its preliminary investigation, the Commission found probable cause to believe that Joby L. Gossett committed the following violations:

COUNT I

That Gossett used or attempted to use his influence and official position to obtain three sets of antlers (caribou, red stag, and fallow deer) from John Jennings and Jim Morrison for the personal benefit of himself or his wife. His actions in this matter involved a substantial conflict between his personal or private interest in the antlers and his duties in the public interest relating thereto, and were in derogation of the public interest at large. These facts constitute a violation of KRS 11A.020(1)(a) and (d).

KRS 11A.020(1)(a) and (d) provide:

(1) No public servant, by himself or through others, shall knowingly:

(a) Use or attempt to use his influence in any matter which involves a substantial conflict between his personal or private interest and his duties in the public interest;

...

(d) Use or attempt to use his official position to secure or create privileges, exemptions, advantages, or treatment for himself or others in derogation of the public interest at large.

COUNT II

That Gossett used his influence and official position to attempt to pressure Ricky Wetherford in regard to a 34 point deer rack he had found, by trying to obtain the rack directly from Wetherford, then by trying to convince Wetherford to take the rack to a specific taxidermist, a business regulated by the agency for which Gossett works. His actions in this matter involved a substantial conflict between his personal or private interest in the rack and his duties in the public interest relating thereto, and his endorsement of the taxidermist in question was an attempt to secure or create an advantage for himself or that regulated business in derogation of the public interest at large. These facts constitute a violation of KRS 11A.020(1)(a) and (d).

KRS 11A.020(1)(a) and (d) provide:

(1) No public servant, by himself or through others, shall knowingly:

(a) Use or attempt to use his influence in any matter which involves a substantial conflict between his personal or private interest and his duties in the public interest;

...

(d) Use or attempt to use his official position to secure or create privileges, exemptions, advantages, or treatment for himself or others in derogation of the public interest at large.

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